

Conference Engrossed

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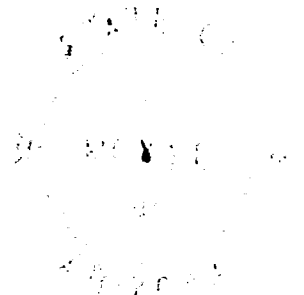
VETO

HOUSE BILL 2647

AN ACT

AMENDING SECTIONS 28-2351, 28-2403, 28-2404 AND 28-2405, ARIZONA REVISED STATUTES; AMENDING TITLE 28, CHAPTER 7, ARTICLE 12, ARIZONA REVISED STATUTES, BY ADDING SECTION 28-2418; AMENDING SECTION 28-6501, ARIZONA REVISED STATUTES; AMENDING SECTION 28-6991, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2001, CHAPTER 154, SECTION 4, CHAPTER 316, SECTION 2 AND CHAPTER 337, SECTION 5; AMENDING SECTION 28-6993, ARIZONA REVISED STATUTES; RELATING TO LICENSE PLATES.

(TEXT OF BILL BEGINS ON NEXT PAGE)



1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 28-2351, Arizona Revised Statutes, is amended to
3 read:

4 28-2351. License plate provided; design

5 A. The department shall provide to every owner one license plate for
6 each vehicle registered. At the request of the owner and on payment of any
7 required fee, the department shall provide either one or two license plates
8 for a vehicle for which a special plate is requested pursuant to this
9 chapter, except that the department shall provide one license plate if the
10 special plate is issued pursuant to section 28-2404, 28-2409 or 28-2416.

11 B. The license plate shall display the number assigned to the vehicle
12 and to the owner of the vehicle and the name of this state, which may be
13 abbreviated. The director shall coat the license plate with a reflective
14 material that is consistent with the determination of the license plate
15 commission established by section 28-2405 regarding the color and design of
16 license plates and special plates as prescribed by section 28-2405. The
17 director shall design the license plate and the letters and numerals on the
18 license plate to be of sufficient size to be plainly readable during daylight
19 from a distance of one hundred feet.

20 C. Notwithstanding any other law, the department shall not contract
21 with a nongovernmental entity to purchase or secure reflective material for
22 the plates issued by the department unless the department has made a
23 reasonable effort to secure qualified bids or proposals from as many
24 individual responsible respondents as possible.

25 D. The license plate commission established by section 28-2405 shall
26 determine the color and design of the license plate. All other plates issued
27 by the department, except the plates issued pursuant to sections 28-2412,
28 28-2413, 28-2414, 28-2416, 28-2417, 28-2418, 28-2452, 28-2453, 28-2454 and
29 28-2455 and article 14 of this chapter, shall be the same color as and
30 similar in design to the license plate as determined by the commission.

31 E. A passenger motor vehicle rented without a driver shall receive the
32 same type of license plate as issued for a private passenger motor vehicle.

33 Sec. 2. Section 28-2403, Arizona Revised Statutes, is amended to read:

34 28-2403. Special plates; transfers; violation; classification

35 A. Except as otherwise provided in this article, the department shall
36 issue or renew special plates in lieu of the regular license plates pursuant
37 to the following conditions and procedures and only if the requirements
38 prescribed by this article for the requested special plates are met:

39 1. Except as provided in section 28-2416, a person who is the
40 registered owner of a vehicle registered with the department or who applies
41 for an original or renewal registration of a vehicle may submit to the
42 department a completed application form as prescribed by the department with
43 the fee prescribed by section 28-2402 for special plates in addition to the
44 registration fee prescribed by section 28-2003.

1 2. Except for plates issued pursuant to sections 28-2412, 28-2413,
2 28-2414, 28-2416, 28-2417, 28-2418, 28-2452, 28-2453, 28-2454 and 28-2455 and
3 article 14 of this chapter, the special plates shall be the same color as and
4 similar to the design of the regular license plates that is determined by the
5 license plate commission pursuant to section 28-2351.

6 3. Except as provided in section 28-2416, the department shall issue
7 special plates only to the owner or lessee of a vehicle that is currently
8 registered, including any vehicle that has a declared gross weight, as
9 defined in section 28-5431, of twenty-six thousand pounds or less.

10 4. Except as provided in section 28-2416, the department shall charge
11 the fee prescribed by section 28-2402 for each annual renewal of special
12 plates in addition to the registration fee prescribed by section 28-2003.

13 B. Except as provided in section 28-2416, on notification to the
14 department and on payment of the transfer fee prescribed by section 28-2402,
15 a person who is issued special plates may transfer the special plates to
16 another vehicle the person owns or leases. Persons who are issued special
17 plates for hearing impaired persons pursuant to section 28-2408 and
18 international symbol of access special plates pursuant to section 28-2409 are
19 exempt from the transfer fee. If a person who is issued special plates
20 sells, trades or otherwise releases ownership of the vehicle on which the
21 plates have been displayed, the person shall immediately report the transfer
22 of the plates to the department or the person shall surrender the plates to
23 the department as prescribed by the director. It is unlawful for a person
24 to whom the plates have been issued to knowingly permit them to be displayed
25 on a vehicle except the vehicle authorized by the department.

26 C. The special plates shall be affixed to the vehicle for which
27 registration is sought in lieu of the regular license plates.

28 D. A person is guilty of a class 3 misdemeanor who:

29 1. Violates subsection B of this section.

30 2. Fraudulently gives false or fictitious information in the
31 application for or renewal of special plates or placards issued pursuant to
32 this article.

33 3. Conceals a material fact or otherwise commits fraud in the
34 application for or renewal of special plates or placards issued pursuant to
35 this article.

36 Sec. 3. Section 28-2404, Arizona Revised Statutes, is amended to read:

37 28-2404. Special organization plates; state highway fund
38 account; definitions

39 A. An organization may submit a request to the department on a AN
40 APPLICATION form prescribed by the department for a special organization
41 plate. In the request the organization may propose suggested indicia for the
42 special organization plate that are indicative of the organization SHALL
43 PROVIDE A PETITION SIGNED BY AT LEAST ONE THOUSAND INDIVIDUALS OR MEMBERS OF
44 THE ORGANIZATION EXPRESSING AN INTEREST THAT SUCH A PLATE BE AUTHORIZED. THE
45 PURPOSE OF THE PETITION, THE PURPOSE OF THE DONATION AND A DESCRIPTION OF THE

1 ORGANIZATION SHALL BE CLEARLY STATED AT THE TOP OF THE PETITION. THE
2 DEPARTMENT SHALL PRESCRIBE THE FORM AND CONTENT OF THE PETITION. ANY
3 PETITION THAT DOES NOT INCLUDE A PURPOSE AND DESCRIPTION STATEMENT AS
4 PRESCRIBED BY THIS SUBSECTION OR ANY OTHER REQUIREMENTS PRESCRIBED BY THE
5 DEPARTMENT SHALL BE INVALIDATED BY THE DEPARTMENT. THE ORGANIZATION SHALL
6 SUBMIT THE PETITION AND APPLICATION TO THE DEPARTMENT FOR APPROVAL. IF THE
7 DEPARTMENT DETERMINES THAT ANY SIGNATURE ON THE PETITION IS FALSIFIED, THE
8 DEPARTMENT SHALL DENY THE APPLICATION AND PROHIBIT THE ORGANIZATION FROM
9 APPLYING FOR A SPECIAL ORGANIZATION PLATE PURSUANT TO THIS ARTICLE FOR FIVE
10 YEARS. IF THE DEPARTMENT APPROVES THE APPLICATION THE ORGANIZATION SHALL
11 SUBMIT A PROPOSAL FOR THE SUGGESTED INDICIA FOR THE SPECIAL ORGANIZATION
12 PLATE THAT IS INDICATIVE OF THE ORGANIZATION WITHIN NINETY DAYS. IF THE
13 ORGANIZATION FAILS TO SUBMIT THE PROPOSAL WITHIN NINETY DAYS, THE
14 ORGANIZATION SHALL REAPPLY FOR THE SPECIAL ORGANIZATION PLATE AND SHALL
15 SUBMIT A NEW PETITION TO THE DEPARTMENT. If the department determines the
16 organization meets the requirements of an organization as defined in this
17 section, the department shall submit the request for a special organization
18 plate to the license plate commission established by section 28-2405.

19 B. The commission shall determine and inform the department whether
20 the requested special organization plate is authorized. THE COMMISSION MAY
21 ADOPT RULES REGARDING THE AUTHORIZATION OF THE SPECIAL ORGANIZATION PLATES
22 PURSUANT TO THIS SECTION. The commission shall MAY authorize a special
23 organization plate if THE COMMISSION DETERMINES THAT the organization meets
24 the following requirements:

25 1. The primary activity or interest of the organization serves the
26 community, contributes to the welfare of others and is not offensive or
27 discriminatory in its purpose, nature, activity or name.

28 2. The name of the organization or any part of the organization's
29 purpose does not promote any specific product or brand name that is provided
30 for sale.

31 3. The purpose of the organization does not promote a specific
32 religion, faith or antireligious belief.

33 4. THE COMMISSION HAS NOT PREVIOUSLY AUTHORIZED A SPECIAL ORGANIZATION
34 PLATE FOR A SIMILAR ORGANIZATION OR CAUSE.

35 C. If the commission authorizes the special organization plate
36 pursuant to subsection B of this section, section 28-2403 and the following
37 requirements and procedures apply:

38 1. The department shall inform the organization of the authorization
39 by the commission of the requested special organization plate and the
40 requirements of this subsection.

41 2. The organization shall ~~collect and hold~~ BE RESPONSIBLE FOR ISSUING
42 applications from its FOR THE SPECIAL ORGANIZATION PLATES TO INDIVIDUALS OR
43 members. ~~and the required fees for the special organization plates.~~

44 3. ~~The organization shall refund all fees to applicants if the~~
45 ~~department refunds the fees to the organization.~~

1 ~~4. The organization shall submit the applications and fees to the~~
2 ~~department by January 1 of any calendar year.~~

3 3. THE ORGANIZATION SHALL SUBMIT THE APPLICATIONS AND FEES TO THE
4 DEPARTMENT WITHIN ONE YEAR FROM THE DATE OF THE COMMISSION'S APPROVAL OF THE
5 SPECIAL ORGANIZATION PLATE.

6 4. IF THE ORGANIZATION DOES NOT COMPLY WITH PARAGRAPHS 2 AND 3 OF THIS
7 SUBSECTION, THE ORGANIZATION SHALL REFUND ALL FEES TO THE APPLICANTS.

8 5. The department shall design and ~~issue~~ BEGIN THE PRODUCTION PROCESS
9 OF the requested special plate within one year after receiving the
10 applications and fees if ~~the department determines that~~ AND ANY ADDITIONAL
11 PROGRAM IMPLEMENTATION COSTS AS DETERMINED BY THE COMMISSION. ~~both of the~~
12 ~~following apply:~~

13 ~~(a) The applicants are qualified for the requested special plate.~~

14 ~~(b) The monies paid for the plates are available to the state.~~

15 D. The determination of the commission of whether to authorize a
16 special organization plate and of the department of whether to issue a
17 special organization plate as required by this section is not subject to the
18 rule making provisions of title 41, chapter 6. The department shall file
19 with the secretary of state a document for publication in the administrative
20 code with the department's rules that names each special organization plate
21 that is authorized and issued pursuant to this section.

22 E. Monies collected pursuant to this section shall be deposited in a
23 separate account of the state highway fund pending the determination required
24 by subsection C, paragraph 5 of this section. The department shall deposit,
25 pursuant to sections 35-146 and 35-147, the fees received with applications
26 for each special organization plate in the state highway fund account. The
27 department shall use the monies in the account to provide refunds to an
28 organization if special organization plates are not issued. Monies in the
29 account that are not refunded shall be deposited as required by law.

30 F. Eight dollars of the fee prescribed in section 28-2402 for original
31 special plates and the renewal of special plates issued under this section
32 is a special plate administration fee and seventeen dollars is an annual
33 donation to the organization. If the fees are not refunded and the special
34 plates are issued pursuant to this section, the department shall retain the
35 special plate administration fees in the state highway fund established by
36 section 28-6991 to cover administration costs and shall transmit the
37 donations as authorized in a written resolution of the organization.

38 G. For the purposes of this section:

39 1. "Commission" means the license plate commission established by
40 section 28-2405.

41 2. "Organization" means an entity that is organized as a nonprofit
42 corporation pursuant to title 10, chapters 24 through 40 and that either:

43 ~~(a)~~ certifies to the department that the organization has at least two
44 THREE hundred members.

1 ~~(b) If the organization has fewer than two hundred members, agrees to~~
2 ~~pay the production and program costs of the special organization plate as~~
3 ~~determined by the commission.~~

4 Sec. 4. Section 28-2405, Arizona Revised Statutes, is amended to read:

5 28-2405. License plate commission

6 A. A license plate commission is established. The commission is
7 composed of the following members:

8 1. Two public members who are appointed by the director of the
9 department of transportation.

10 2. A person who is appointed by the governor from the governor's
11 office of ~~community and~~ highway safety and who serves at the pleasure of the
12 governor.

13 3. The director of the department of public safety or the director's
14 designee.

15 4. The director of the department of transportation or the director's
16 designee.

17 5. The director of the office of tourism or the director's designee.

18 6. The director of the state department of corrections or the
19 director's designee.

20 B. The director of the department of transportation or the director's
21 designee shall serve as chairman of the commission. The chairman shall
22 preside at commission meetings and coordinate the activities of the
23 commission and staff implementation of commission actions.

24 C. All official actions of the commission shall be decided by a
25 majority vote of commission members.

26 D. The commission shall determine the following:

27 1. The color and design of license plates.

28 2. The color of special plates to be the same as and the design of
29 special plates to be similar to the license plates, except for special plates
30 issued pursuant to sections 28-2412, 28-2413, 28-2414, 28-2416, 28-2417,
31 28-2418, 28-2452, 28-2453, 28-2454 and 28-2455 and article 14 of this
32 chapter.

33 3. Whether to authorize special organization plates pursuant to
34 section 28-2404 AND SPECIAL PLATES FOR ORGANIZATIONS AND INDIAN NATIONS
35 PURSUANT TO SECTION 28-2418.

36 4. The indicia for special organization plates issued pursuant to
37 section 28-2404.

38 E. The department shall provide the commission with staff and
39 technical assistance as necessary to perform its functions.

40 F. Commission members are not eligible to receive compensation, but
41 the members who are appointed pursuant to subsection A, paragraphs 1 and 2
42 of this section are eligible for reimbursement of expenses pursuant to title
43 38, chapter 4, article 2.

1 Sec. 5. Title 28, chapter 7, article 12, Arizona Revised Statutes, is
2 amended by adding section 28-2418, to read:

3 28-2418. Special plates; organizations and Indian nations;
4 unique design and color; applicability; definitions

5 A. ON AN APPLICATION FORM PRESCRIBED BY THE DEPARTMENT, AN
6 ORGANIZATION OR AN INDIAN NATION MAY SUBMIT A REQUEST TO THE DEPARTMENT FOR
7 A SPECIAL PLATE THAT DIFFERS IN COLOR AND DESIGN FROM THE COLOR AND DESIGN
8 FOR LICENSE PLATES DETERMINED PURSUANT TO SECTION 28-2351. IN THE REQUEST,
9 THE ORGANIZATION OR INDIAN NATION SHALL PROVIDE A PETITION SIGNED BY AT LEAST
10 ONE THOUSAND INDIVIDUALS OR MEMBERS OF THE ORGANIZATION OR INDIAN NATION
11 EXPRESSING AN INTEREST THAT SUCH A PLATE BE AUTHORIZED. THE PURPOSE OF THE
12 PETITION, THE PURPOSE OF THE DONATION AND A DESCRIPTION OF THE ORGANIZATION
13 OR INDIAN NATION SHALL BE CLEARLY STATED AT THE TOP OF THE PETITION. THE
14 DEPARTMENT SHALL PRESCRIBE THE FORM AND CONTENT OF THE PETITION. ANY
15 PETITION THAT DOES NOT INCLUDE A PURPOSE AND DESCRIPTION STATEMENT AS
16 PRESCRIBED BY THIS SUBSECTION OR ANY OTHER REQUIREMENTS PRESCRIBED BY THE
17 DEPARTMENT SHALL BE INVALIDATED BY THE DEPARTMENT. THE ORGANIZATION SHALL
18 SUBMIT THE PETITION AND APPLICATION TO THE DEPARTMENT FOR APPROVAL. IF THE
19 DEPARTMENT DETERMINES THAT ANY SIGNATURE ON THE PETITION IS FALSIFIED, THE
20 DEPARTMENT SHALL DENY THE APPLICATION AND PROHIBIT THE ORGANIZATION OR INDIAN
21 NATION FROM APPLYING FOR A SPECIAL PLATE PURSUANT TO THIS ARTICLE FOR FIVE
22 YEARS. IF THE DEPARTMENT APPROVES THE APPLICATION, THE ORGANIZATION OR
23 INDIAN NATION SHALL SUBMIT A PROPOSAL FOR THE COLOR AND DESIGN OF THE SPECIAL
24 PLATE WITHIN NINETY DAYS. IF THE ORGANIZATION OR INDIAN NATION FAILS TO
25 SUBMIT THE PROPOSAL WITHIN NINETY DAYS, THE ORGANIZATION OR INDIAN NATION
26 SHALL REAPPLY FOR THE SPECIAL PLATE AND SHALL SUBMIT A NEW PETITION TO THE
27 DEPARTMENT. THE COLOR AND DESIGN OF SPECIAL PLATES ISSUED PURSUANT TO THIS
28 SECTION SHALL BE APPROVED BY THE COMMISSION, EXCEPT THAT THE DIRECTOR SHALL
29 ENSURE CONSISTENCY IN APPEARANCE IN THE PLACEMENT OF THE SPACES FOR THE YEAR
30 AND VALIDATING TABS, THE PLACEMENT AND SIZE OF THE LETTERS, NUMBERS AND NAME
31 OF THE STATE AND ANY OTHER ITEMS THE DIRECTOR DEEMS NECESSARY.

32 B. THE DEPARTMENT SHALL SUBMIT AN INDIAN NATION'S REQUEST FOR A
33 SPECIAL PLATE TO THE COMMISSION. IF THE DEPARTMENT DETERMINES THAT AN
34 ORGANIZATION IS ORGANIZED AS A NONPROFIT CORPORATION PURSUANT TO TITLE 10,
35 CHAPTERS 24 THROUGH 40, THE DEPARTMENT SHALL SUBMIT THE ORGANIZATION'S
36 REQUEST FOR A SPECIAL PLATE TO THE COMMISSION.

37 C. THE COMMISSION SHALL DETERMINE AND INFORM THE DEPARTMENT WHETHER
38 THE SPECIAL PLATE REQUESTED PURSUANT TO THIS SECTION IS AUTHORIZED. THE
39 COMMISSION MAY ADOPT RULES REGARDING THE AUTHORIZATION OF THE SPECIAL PLATES
40 PURSUANT TO THIS SECTION. THE COMMISSION MAY AUTHORIZE A SPECIAL PLATE
41 REQUESTED BY AN ORGANIZATION OR INDIAN NATION PURSUANT TO THIS SECTION IF THE
42 COMMISSION DETERMINES THAT THE ORGANIZATION OR INDIAN NATION MEETS THE
43 FOLLOWING REQUIREMENTS:

1 1. THE PRIMARY ACTIVITY OR INTEREST OF THE ORGANIZATION OR INDIAN
2 NATION SERVES THE COMMUNITY, CONTRIBUTES TO THE WELFARE OF OTHERS AND IS NOT
3 OFFENSIVE OR DISCRIMINATORY IN ITS PURPOSE, NATURE, ACTIVITY OR NAME.

4 2. THE ORGANIZATION'S OR INDIAN NATION'S NAME OR ANY PART OF THE
5 ORGANIZATION'S OR INDIAN NATION'S PURPOSE DOES NOT PROMOTE ANY SPECIFIC
6 PRODUCT OR BRAND NAME THAT IS PROVIDED FOR SALE.

7 3. THE PURPOSE OF THE ORGANIZATION OR INDIAN NATION DOES NOT PROMOTE
8 A SPECIFIC RELIGION, FAITH OR ANTIRELIGIOUS BELIEF.

9 D. THE DEPARTMENT SHALL ONLY ISSUE SPECIAL PLATES PURSUANT TO THIS
10 SECTION IF THE ORGANIZATION OR THE INDIAN NATION PAYS THE DEPARTMENT'S
11 PRODUCTION AND PROGRAM COSTS FOR THE SPECIAL PLATES. THE ORGANIZATION OR THE
12 INDIAN NATION SHALL PAY TO THE DEPARTMENT THE AMOUNT OF MONEY NECESSARY TO
13 COVER THE PRODUCTION AND PROGRAM COSTS FOR THE SPECIAL PLATES. THE
14 DEPARTMENT SHALL DEPOSIT, PURSUANT TO SECTIONS 35-146 AND 35-147, THE MONIES
15 RECEIVED PURSUANT TO THIS SUBSECTION IN THE STATE HIGHWAY FUND ESTABLISHED
16 BY SECTION 28-6991 FOR THE PURPOSE OF PAYING THE PRODUCTION AND PROGRAM COSTS
17 FOR THE SPECIAL PLATES.

18 E. THE COMMISSION'S DETERMINATION OF WHETHER TO AUTHORIZE A SPECIAL
19 PLATE AND THE DEPARTMENT'S DETERMINATION OF WHETHER TO ISSUE A SPECIAL PLATE
20 AS REQUIRED BY THIS SECTION IS NOT SUBJECT TO THE RULE MAKING PROVISIONS OF
21 TITLE 41, CHAPTER 6. THE DEPARTMENT SHALL FILE WITH THE SECRETARY OF STATE
22 A DOCUMENT FOR PUBLICATION IN THE ADMINISTRATIVE CODE WITH THE DEPARTMENT'S
23 RULES THAT NAMES EACH SPECIAL PLATE THAT IS AUTHORIZED AND ISSUED PURSUANT
24 TO THIS SECTION.

25 F. EIGHT DOLLARS OF THE FEE PRESCRIBED IN SECTION 28-2402 FOR ORIGINAL
26 SPECIAL PLATES AND THE RENEWAL OF SPECIAL PLATES ISSUED UNDER THIS SECTION
27 IS A SPECIAL PLATE ADMINISTRATION FEE AND SEVENTEEN DOLLARS IS AN ANNUAL
28 DONATION TO THE ORGANIZATION OR INDIAN NATION. THE DEPARTMENT SHALL RETAIN
29 THE SPECIAL PLATE ADMINISTRATION FEES IN THE STATE HIGHWAY FUND ESTABLISHED
30 BY SECTION 28-6991 TO COVER ADMINISTRATION COSTS AND SHALL TRANSMIT THE
31 DONATIONS AS AUTHORIZED IN A WRITTEN RESOLUTION OF THE ORGANIZATION OR INDIAN
32 NATION.

33 G. FOR THE PURPOSES OF THIS SECTION:

34 1. "COMMISSION" MEANS THE LICENSE PLATE COMMISSION ESTABLISHED BY
35 SECTION 28-2405.

36 2. "INDIAN NATION" MEANS ANY ORGANIZED INDIAN NATION, TRIBE, BAND OR
37 COMMUNITY THAT IS RECOGNIZED AS AN INDIAN TRIBE BY THE UNITED STATES
38 DEPARTMENT OF THE INTERIOR.

39 3. "ORGANIZATION" MEANS AN ENTITY THAT IS ORGANIZED AS A NONPROFIT
40 CORPORATION PURSUANT TO TITLE 10, CHAPTERS 24 THROUGH 40 AND CERTIFIES TO THE
41 DEPARTMENT THAT THE ORGANIZATION HAS AT LEAST THREE HUNDRED MEMBERS.

1 Sec. 6. Section 28-6501, Arizona Revised Statutes, is amended to read:
2 28-6501. Definition of highway user revenues

3 In this article, unless the context otherwise requires or except as
4 otherwise provided by statute, "highway user revenues" means all monies
5 received in this state from licenses, taxes, penalties, interest and fees
6 authorized by the following:

7 1. Chapters 2, 7, 8 and 15 of this title, except for:

8 (a) The special plate administration fees prescribed in sections
9 28-2404, 28-2412 through ~~28-2417~~ 28-2418 and 28-2514.

10 (b) The donations prescribed in sections 28-2404, 28-2412 through
11 28-2415, 28-2417, 28-2418, 28-2453, 28-2454 and 28-2455.

12 2. Chapters 10 and 11 of this title.

13 3. Chapter 16, articles 1, 2 and 4 of this title, except as provided
14 in sections 28-5926 and 28-5927.

15 Sec. 7. Section 28-6991, Arizona Revised Statutes, as amended by Laws
16 2001, chapter 154, section 4, chapter 316, section 2 and chapter 337, section
17 5, is amended to read:

18 28-6991. State highway fund; sources

19 A state highway fund is established that consists of:

20 1. Monies distributed from the Arizona highway user revenue fund
21 pursuant to chapter 18 of this title.

22 2. Monies appropriated by the legislature.

23 3. Monies received from donations for the construction, improvement
24 or maintenance of state highways or bridges. These monies shall be credited
25 to a special account and shall be spent only for the purpose indicated by the
26 donor.

27 4. Monies received from counties under cooperative agreements,
28 including proceeds from bond issues. The state treasurer shall deposit these
29 monies to the credit of the fund in a special account on delivery to the
30 treasurer of a concise written agreement between the department and the
31 county stating the purposes for which the monies are surrendered by the
32 county, and these monies shall be spent only as stated in the agreement.

33 5. Monies received from the United States under an act of Congress to
34 provide aid for the construction of rural post roads, but monies received on
35 projects for which the monies necessary to be provided by this state are
36 wholly derived from sources mentioned in paragraphs 2 and 3 of this section
37 shall be allotted by the department and deposited by the state treasurer in
38 the special account within the fund established for each project. On
39 completion of the project, on the satisfaction and discharge in full of all
40 obligations of any kind created and on request of the department, the
41 treasurer shall transfer the unexpended balance in the special account for
42 the project into the state highway fund, and the unexpended balance and any
43 further federal aid thereafter received on account of the project may be
44 spent under the general provisions of this title.

1 6. Monies in the custody of an officer or agent of this state from any
2 source that is to be used for the construction, improvement or maintenance
3 of state highways or bridges.

4 7. Monies deposited in the state general fund and arising from the
5 disposal of state personal property belonging to the department.

6 8. Receipts from the sale or disposal of any or all other property
7 held by the department and purchased with state highway monies.

8 9. Monies generated pursuant to section 28-410.

9 10. Monies distributed pursuant to section 28-5808, subsection B,
10 paragraph 2, subdivision (d).

11 11. Monies deposited pursuant to sections 28-1143, 28-2353 and 28-3003.

12 12. Except as provided in section 28-5101, the following monies:

13 (a) Monies deposited pursuant to section 28-2206 and section 28-5808,
14 subsection B, paragraph 2, subdivision (e).

15 (b) One dollar of each registration fee and one dollar of each title
16 fee collected pursuant to section 28-2003.

17 (c) Two dollars of each late registration penalty collected by the
18 director pursuant to section 28-2162.

19 (d) The air quality compliance fee collected pursuant to section
20 49-542.

21 (e) The special plate administration fees collected pursuant to
22 sections 28-2404, 28-2412 through ~~28-2417~~ 28-2418 and 28-2514.

23 (f) The windshield sticker fee collected pursuant to section 28-2355.

24 (g) Monies collected pursuant to sections 28-372, 28-2155 and 28-2156
25 if the director is the registering officer.

26 13. Monies deposited pursuant to chapter 5, article 5 of this title.

27 14. Donations received pursuant to section 28-2269.

28 15. Dealer and registration monies collected pursuant to section
29 28-4304.

30 16. Abandoned vehicle administration monies deposited pursuant to
31 section 28-4804.

32 17. Monies deposited pursuant to section 28-710, subsection D,
33 paragraph 2.

34 Sec. 8. Section 28-6993, Arizona Revised Statutes, is amended to read:

35 28-6993. State highway fund; authorized uses

36 A. Except as provided in subsection B of this section and section
37 28-6538, the state highway fund shall be used for any of the following
38 purposes in strict conformity with and subject to the budget as provided by
39 this section and by sections 28-6997 through 28-7003:

40 1. To pay salaries, wages, necessary travel expenses and other
41 expenses of officers and employees of the department and the incidental
42 office expenses, including telegraph, telephone, postal and express charges
43 and printing, stationery and advertising expenses.

44 2. To pay for both:

1 (a) Equipment, supplies, machines, tools, department offices and
2 laboratories established by the department.

3 (b) The construction and repair of buildings or yards of the
4 department.

5 3. To pay the cost of both:

6 (a) Engineering, construction, improvement and maintenance of state
7 highways and parts of highways forming state routes.

8 (b) Highways under cooperative agreements with the United States that
9 are entered into pursuant to this chapter and an act of Congress providing
10 for the construction of rural post roads.

11 4. To pay land damages incurred by reason of establishing, opening,
12 altering, relocating, widening or abandoning portions of a state route or
13 state highway.

14 5. To reimburse the department revolving account.

15 6. To pay premiums on authorized indemnity bonds and on compensation
16 insurance under the workers' compensation act.

17 7. To defray lawful expenses and costs required to administer and
18 carry out the intent, purposes and provisions of this title, including
19 repayment of obligations entered into pursuant to this title, payment of
20 interest on obligations entered into pursuant to this title, repayment of
21 loans and other financial assistance, including repayment of advances and
22 interest on advances made to the department pursuant to section 28-7677, and
23 payment of all other obligations and expenses of the board and department
24 pursuant to chapter 21 of this title.

25 8. To pay lawful bills and charges incurred by the state engineer.

26 9. To acquire, construct or improve entry roads to state parks or
27 roads within state parks.

28 10. To acquire, construct or improve entry roads to state prisons.

29 11. To pay the cost of relocating a utility facility pursuant to
30 section 28-7156.

31 12. For the purposes provided in subsections C, D and E of this section
32 and sections 28-1143, 28-2353 and 28-3003.

33 B. For each fiscal year, the department of transportation shall
34 allocate and transfer monies in the state highway fund to the department of
35 public safety for funding a portion of highway patrol costs in eight
36 installments in each of the first eight months of a fiscal year that do not
37 exceed ten million dollars.

38 C. Subject to legislative appropriation, the department may use the
39 monies in the state highway fund as prescribed in section 28-6991,
40 subsection A, paragraph 12 to carry out the duties imposed by this title for
41 registration or titling of vehicles, to operate joint title, registration and
42 driver licensing offices, to cover the administrative costs of issuing the
43 air quality compliance sticker, modifying the year validating tab and issuing
44 the windshield sticker and to cover expenses and costs in issuing special

1 plates pursuant to sections 28-2404, 28-2412 through 28-2417 28-2418 and
2 28-2514.

3 D. The department shall use monies deposited in the state highway fund
4 pursuant to chapter 5, article 5 of this title only as prescribed by that
5 article.

6 E. Monies deposited in the state highway fund pursuant to section
7 28-2269 shall be used only as prescribed by that section.

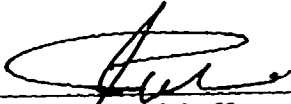
8 F. Monies deposited in the state highway fund pursuant to section
9 28-710, subsection D, paragraph 2 shall only be used for state highway work
10 zone traffic control devices.

11 G. The department may exchange monies distributed to the state highway
12 fund pursuant to section 28-6538, subsection A, paragraph 1 for local
13 government surface transportation program federal monies suballocated to
14 councils of government and metropolitan planning organizations if the local
15 government scheduled to receive the federal monies concurs. An exchange of
16 state highway fund monies pursuant to this subsection shall be in an amount
17 that is at least equal to ninety per cent of the federal obligation authority
18 that exists in the project for which the exchange is proposed.

Passed the House April 2, 2002,

by the following vote: 45 Ayes,

10 Nays, 5 Not Voting

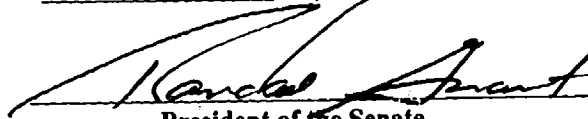

Speaker of the House

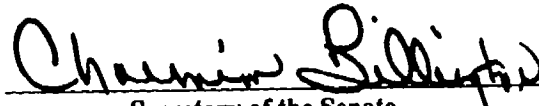

Chief Clerk of the House

Passed the Senate April 25, 2002

by the following vote: 17 Ayes,

11 Nays, 2 Not Voting


President of the Senate


Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

 day of , 20 ,

at o'clock M.

Secretary to the Governor

Approved this day of

 , 20 ,

at o'clock M.

Governor of Arizona

H.B. 2647

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this day of , 20 ,

at o'clock M.

Secretary of State

HOUSE FINAL PASSAGE
as per Joint Conference

Passed the House May 15, 2002,

by the following vote: 46 Ayes,

12 Nays, 2 Not Voting

[Signature]
Speaker of the House

[Signature]
Chief Clerk of the House

on reconsideration
SENATE FINAL PASSAGE
as per Joint Conference

Passed the Senate May 21, 2002,

by the following vote: 23 Ayes,

2 Nays, 5 Not Voting

[Signature]
President of the Senate

[Signature]
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor

this 21 day of May, 2002

at 1:17 o'clock P M.

[Signature]
Secretary to the Governor

Approved this _____ day of

_____, 20____,

at **VETO** o'clock _____ M.

Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 4 day of June, 2002,

at 5:31 o'clock P M.

Secretary of State

H.B. 2647